

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF IOWA  
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IN THE MATTER OF THE APPLICATION FOR LICENSURE OF

MICHAEL L. BURNS, MD, APPLICANT

No. 02-95-439

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CONSENT AGREEMENT

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COMES NOW the Iowa Board of Medical Examiners (the Board), and Michael L. Burns, MD (the Applicant), and agree to the issuance of a permanent license to practice medicine and surgery in Iowa under the following terms and provisions which shall remain in effect indefinitely.

1) That while practicing medicine in North Dakota, the Applicant shall comply with the terms outlined in the Stipulation he entered into with the North Dakota State Board of Medical Examiners on or about July 28, 1995, and which was adopted by, and became an official Order of, the North Dakota State Board of Medical Examiners on or about July 31, 1995. Copies of the Stipulation and Order are attached as Exhibits A and B respectively.

2) Should the Applicant elect to engage in the practice of medicine in Iowa, the Applicant shall:

a) Not less than thirty (30) days prior to beginning practice in Iowa notify the Board in writing of his intention to begin practice and of the location of his intended practice;

b) Concurrently with the notification, submit to the Board the names and curriculum vitae of three (3) psychiatrists licensed and practicing in Iowa. The Board may approve one of the three to monitor the Applicant's mental ability to practice medicine safely and skillfully. As a condition of approval the psychiatrist shall agree to submit a report of the Applicant's condition to the Board not later than the 20th of each month the Applicant is practicing in Iowa under the terms of this Consent Agreement.

c) The Applicant shall schedule an evaluation with the Board approved psychiatrist not more than

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seven (7) days following his notification of the Board's approval of the psychiatrist. The Applicant shall undergo an evaluation by the Board approved psychiatrist not more than twenty (20) days thereafter.

d) The Applicant shall cooperate fully with any treatment plan prescribed by the Board approved psychiatrist.

e) The Applicant shall continue treatment with the Board approved psychiatrist until discharged by the psychiatrist and until the discharge is approved by the Board.

f) The Applicant shall provide a copy of this Consent Agreement to any employer or intended employer, and to any hospital or other health care facility in which the Applicant practices.

g) The Applicant shall complete all patient medical records in a timely manner. Additionally, the Applicant shall ensure that any hospital or other health care facility in which he practices submits a quarterly report to the Board attesting to the Applicant's timely completion of medical records. The reports shall be submitted to the Board not later than January 20, April 20, July 20 and October 20, of each year the Applicant practices in Iowa under terms and provisions of this Consent Agreement.

h) The Applicant shall make his medical records available for inspection upon demand by an agent of the Board.

i) The Applicant shall submit sworn reports to the Board not later than the 10th of each month he is practicing in Iowa under terms of this Consent Agreement stating that he is in compliance with all the terms and provisions of this Consent Agreement.

j) The Applicant shall make appearances before the Board or a Board committee annually or upon request. The Applicant shall be given reasonable notice of the date, time and place for the appearances.

k) The Applicant may not petition the Board for reconsideration or termination of the terms and provisions of this Consent Agreement for at least five (5) years of the date of the Board's approval of this Consent Agreement.

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3) In the event the Applicant violates or fails to comply with any of the terms and provisions of this Consent Agreement the Board may initiate action to revoke or suspend the Applicant's license or impose other discipline as authorized in Iowa Code section 148.6 and 653 IAC 12.2.

4) Upon full compliance with the terms and provisions set forth in this Consent Agreement and upon further order of the Board, the Applicant's license shall be granted full privileges free and clear of the terms and provisions of this Consent Agreement.

5) This Consent Agreement is subject to the approval of the Board. If the Board fails to approve this Consent Agreement it shall be of no force or effect to either party.

6) This Consent Agreement is voluntarily submitted by the Applicant to the Board for consideration.

Michael L. Burns, M.D.  
Michael L. Burns, MD

Subscribed to before me on January 17, 1996.

Lynn L. Davis  
Notary Public  
State of North Dakota

LYNN L. DAVIS  
Notary Public, STATE OF NORTH DAKOTA  
My Commission Expires MAY 12, 2001

Consent Agreement approved by the Board on Feb. 22, 1996.

James D. Collins, Jr.  
James D. Collins, Jr., MD, Chairperson  
Iowa Board of Medical Examiners

BEFORE THE BOARD OF MEDICAL EXAMINERS

STATE OF NORTH DAKOTA

COPY

Commission on Medical Competency,	)	
	)	
Complainant,	)	CASE NO. 5660
	)	
vs.	)	STIPULATION
	)	
Michael L. Burns, M.D.,	)	
	)	
Respondent.	)	

WHEREAS, the North Dakota State Board of Medical Examiners issued a complaint seeking to limit and/or condition the Respondent's license to practice medicine in the State of North Dakota pursuant to Sec. 43-17-31(5), and;

WHEREAS, the Respondent agrees (1) that the facts alleged in the complaint of the Commission on Medical Competency dated June 15, 1995, are true and are grounds for disciplinary action by the North Dakota Board of Medical Examiners and; (2) that the terms of this stipulation are appropriate;

NOW THEREFORE, it is hereby agreed by and between the Respondent, Michael L. Burns, M.D., and the North Dakota State Board of Medical Examiners (hereinafter "the Board") that;

1. The Respondent hereby waives any procedural irregularity herein and his right to hearing on the complaint now pending in this action;
2. The Board will enter an Order imposing the following limitations and conditions on the Respondent's license to practice medicine in the State of North Dakota:

Exhibit A

A. At least once each month the Respondent will consult with a psychiatrist (hereinafter the "treating physician") who has been approved by the Board of Medical Examiners and who agrees to comply with the following terms:

1. The treating physician will evaluate the Respondent at least once each month for the purpose of determining whether the Respondent is able to practice medicine safely and competently;
2. The treating physician will submit a report to the Board of Medical Examiners following each meeting with the Respondent. That report will indicate whether, in the treating physician's opinion, the Board of Medical Examiners should have any concern about the Respondent's ability to practice medicine in a safe and competent manner. That report will also include a statement indicating all treatments, therapies, and medications, which are being prescribed or recommended for the Respondent.
3. All fees and expenses pertaining to these evaluations shall be the responsibility of the Respondent.

B. The Respondent will fully comply with all treatments, therapies and medications which are prescribed or recommended by his treating physician.

C. During the period of this agreement the Respondent shall permit the Board or its authorized agents to have free access to all records relating to medical services provided by him to patients in North Dakota and shall furnish information to the Board of Medical Examiners regarding care provided to his patients when requested to do so by the Board or its authorized agents.

D. That in the event Respondent should change his current address to reside or practice at any other place, he shall promptly notify the Board in writing of the new location(s) as well as the dates of departure and return;

3. The Respondent is advised that in the event he fails, neglects, or refuses to fully comply with any of the terms, provisions, or conditions specified herein, his license to practice medicine in the State of North Dakota may be subject to revocation, following a hearing on the alleged violation.

4. In the event the Board, in its discretion, does not approve this settlement, then this stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced in any disciplinary action by either party hereto except that Michael L. Burns, M.D., agrees that should the Board reject this stipulation, and if the case proceeds to hearing, Michael L. Burns, M.D., will assert no claim that the Board was prejudiced by its review and discussion of this stipulation or of any records relating hereto;

5. That this agreement for disposition of the above entitled case is a matter of public record and the obligations of the Board with respect thereto shall be governed by the laws of North Dakota and current Board policy;

6. The terms of this agreement will continue in effect until further order of the Board.

7. That all parties hereto recognize that the representatives of the North Dakota State Board of Medical Examiners who have engaged in discussions relative to an agreed disposition of this matter can only make recommendations to the Board of Medical Examiners, which recommendation can in no way be considered as binding upon the full membership of the Board who would ultimately decide the pending case, and that this agreement is subject to acceptance

by the full membership of the Board;


8. That Michael L. Burns, M.D., understands that he has the right and has been afforded the opportunity to have this document reviewed by his attorneys, and that in the event he chooses to execute this document without taking the opportunity to avail himself of this right, such failure shall be deemed to be a waiver of that right;

9. That Michael L. Burns, M.D., specifically waives any claim that any disclosures made to the full membership of the Board to facilitate consideration of this agreement have prejudiced his rights to a fair and impartial hearing, in the event this agreement is not accepted by the full Board and if further proceedings ensue;

10. Michael L. Burns, M.D., further agrees that there have been no inducements, threats or promises made in order to obtain his entry of this agreement;

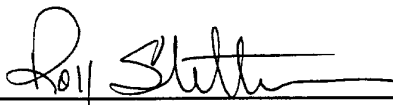
11. That the parties further agree that all statements contained herein are based upon the facts known to the Board on the date of execution of this agreement.

Dated this 28<sup>th</sup> day of July, 1995.

  
MICHAEL L. BURNS, M.D.

Dated this 28 day of July, 1995.

NORTH DAKOTA STATE BOARD OF MEDICAL EXAMINERS

By   
ROLF P. SLETTEN  
Executive Secretary and Treasurer

BEFORE THE BOARD OF MEDICAL EXAMINERS

STATE OF NORTH DAKOTA

COPY

Commission on Medical  
Competency,

Complainant,

vs.

Michael L. Burns, M.D.

Respondent.

ORDER

It is the Order of the North Dakota State Board of Medical Examiners that License No. 5660, previously issued to Michael L. Burns, M.D., is hereby limited and conditioned as specified in the Stipulation adopted by the Board on July 28, 1995, and the same shall be incorporated herein in its entirety and shall constitute the further Order of this Board.

Dated this 31st day of July, 1995.

NORTH DAKOTA STATE BOARD  
OF MEDICAL EXAMINERS

By: Rhonda L. Ketterling, M.D.  
RHONDA L. KETTERLING, M.D.  
Chairman

Exhibit B